

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OTIS MOBLEY,

Defendant.

Case No.: 12-CR-00235 YGR

**ORDER DENYING GOVERNMENT'S APPEAL OF
MAGISTRATE JUDGE'S PRETRIAL RELEASE
ORDER**

The Government's Appeal of the Magistrate Judge's Pretrial Release Order came on for hearing on May 3, 2012 and again on May 14, 2012. The Court has reviewed the parties' submissions, heard the parties' arguments, and reviewed the Magistrate Judge's Order. After a *de novo* review of the record, the Court agrees with Magistrate Judge Westmore and finds that the conditions of release are sufficient to assure Otis Mobley's appearance at court proceedings and the safety of the community.

For the reasons stated orally on the record at the May 14, 2012 hearing, the Court **DENIES** the Government's motion and Orders Otis Mobley **RELEASED** subject to the conditions of release set forth in the Magistrate Judge's Release Order, Dkt. No. 27, as supplemented at the May 14, 2012 hearing.¹ The Court will provide a Reading List to Pretrial Services. Defendant must read for at least one hour every day, and must write reports on those books for at least thirty minutes every day.

Any violation of the conditions of release will result in mandatory revocation of Defendant's pretrial release for a minimum of thirty days.

Otis Mobley's release is **STAYED** until May 15, 2012 at 10:00 a.m. to permit the Government to determine whether it will appeal this Order.

IT IS SO ORDERED.

Date: May 14, 2012


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

¹ The warrantless search provision is excluded from the conditions of release.